



STATE OF MICHIGAN

DEPARTMENT OF STATE POLICE

LANSING

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Deferred and Delayed Sentencing – Criminal Records

Most people who work in the Michigan Criminal Justice Community (MCJC) know that we are considered an “open records” state for criminal history record information (CHRI). This means that even though all cases closed without a conviction are considered sealed to the public, all cases closed with a conviction or adjudication are available to the general public. But what about cases that aren’t closed?

On February 1, 2006 Public Act 310 of 2005 took effect which stated that the Michigan State Police **shall** disseminate open case information. When the law first took effect there was much debate within the MCJC about both the interpretation of the law and its practical implementation and effects. The MSP – Criminal History Section (MSP-CHS) continues to take feedback from the MCJC into account when making and implementing policy decisions regarding what open case CHRI will and will not be disseminated, and to whom. Based on this feedback, for example, cases that are deferred under the Holmes Youthful Trainee Act, Minor in Possession, and Drug Treatment Court statutes are considered sealed while other cases with deferred judgments are disseminated to the general public. All cases where MSP-CHS has identified arrest and charge/petition information but not judicial are disseminated. It is important to note that while no open cases are deleted from (“fall off”) a person’s record regardless of how long they are in the MSP-CHS files, some open cases are considered public while others are not, and some are disseminated for fingerprint-based background checks while not disseminated through the Internet Criminal History Access Tool (ICHAT). (See the charts below for a more thorough explanation.)

No Prosecutor or Judicial Data - Arrest Disposition	LEIN	Employment Fingerprints	ICHAT
NTA - Notice To Appear - Less than 12 months from date of arrest	Y	Y	Y
NTA - Notice To Appear - 12 months or more from date of arrest	Y	Y	N
PFI - Pending Further Investigation - Less than 12 months from date of arrest	Y	Y	Y
PFI - Pending Further Investigation - 12 months or more from date of arrest	Y	Y	N
REL - Released No Prosecution	Y	N	N
REP - Petition Required	Y	Y	N
REW - Warrant Requested - Less than 12 months from date of arrest	Y	Y	Y
REW - Warrant Requested - 12 months or more from date of arrest	Y	Y	N

Judicial Disposition - Must be linked to Arrest prints for that case	LEIN	Employment Fingerprints	ICHAT
ADJ - Juvenile Adjudication	Y	Y	Y
BOC - Bound Over to Circuit	Y	Y	Y
BWI - Bench Warrant Issued	Y	Y	Y
DPD - Deferred - 7411	Y	Y	Y
DPH - Deferred - Health Care	Y	Y	Y
DPK - Deferred - Parental Kidnapping	Y	Y	Y
DPM - Deferred - Minor in Possession	Y	N	N
DPS - Deferred - Domestic Assault	Y	Y	Y
DPT - Deferred Drug Court	Y	N	N
DPY - Deferred - Holmes Youthful Trainee Act	Y	N	N
GTY - Found Guilty	Y	Y	Y
JCC - Juvenile Consent Calendar	Y	N	N
JDA - Juvenile Diversion Act	Y	N	N
NAP - Not Authorized Petition	Y	N	N
NSC - No State PACC Code	N	N	N
PMI - Pled Guilty - Mentally Ill	Y	Y	Y
TRS - Transfer - Another County	Y	Y	Y
TTC - Transfer - Tribal Court	Y	N	N
WTA - Waived to Adult Court	Y	Y	Y

For more information about how the MSP-CHS disseminates CHRI, please contact:

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